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7

8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10 **WESTERN DIVISION**

11 CORY SPENCER, an individual; DIANA
MILENA REED, an individual; and
12 COSTAL PROTECTION RANGERS,
INC., a California non-profit public
13 benefit corporation,

14 Plaintiffs,

15 vs.

16 LUNADA BAY BOYS; THE
INDIVIDUAL MEMBERS OF THE
17 LUNADA BAY BOYS, including but not
limited to SANG LEE, BRANT
18 BLAKEMAN, ALAN JOHNSTON aka
JALIAN JOHNSTON, MICHAEL RAE
19 PAPAYANS, ANGELO FERRARA,
FRANK FERRARA, CHARLIE
20 FERRARA and N.F.; CITY OF PALOS
VERDES ESTATES; CHIEF OF
21 POLICE JEFF KEPLEY, in his
representative capacity; and DOES 1-10,
22

23 Defendants.
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Case No. 2:16-CV-02129-SJO-RAO
Judge: Hon. S. James Otero

Courtroom 10-c

Magistrate Judge:

The Honorable Rozella A. Oliver

**DECLARATION OF ROBERT S.
COOPER, ESQ. IN SUPPORT OF
MOTION TO COMPEL FURTHER
RESPONSES TO
INTERROGATORIES BY
DEFENDANT BRANT BLAKEMAN**

Date: January 25, 2017
Time: 10:00 a.m.

1 I, Robert S. Cooper, Esq., declare:

- 2
- 3 1. I am an attorney at law duly licensed to practice before all state and federal
- 4 courts in the state of California, and I am one of the attorneys of record for
- 5 Defendant Brant Blakeman in the above-entitled action. As such, I have
- 6 personal knowledge of the facts set forth in this declaration, and if called
- 7 upon to testify regarding them I could and would competently do so.
- 8 2. I have been involved in the meet-and-confer process with Plaintiffs' counsel
- 9 relating to Defendant's motion to compel further responses to interrogatories
- 10 and production of documents. On January 4, 2017, I attended the in-person
- 11 meet -and -confer meeting with Plaintiffs' counsel Victor Otten and co-
- 12 counsel Richard Diffenbach and John Worgul of Veatch Carlson that took
- 13 place at the offices of my co-counsel Veatch Carlson, LLP in downtown Los
- 14 Angeles.
- 15 3. During that meeting, among other issues discussed and statements made by
- 16 the parties, Mr. Otten indicated that he did not believe Plaintiffs had any
- 17 obligation to provide further responses to interrogatories or document
- 18 requests propounded by Defendant Blakeman, because they were in his
- 19 belief, "premature." At that point, counsel Otten and Plaintiffs had provided
- 20 only blanket, boilerplate objections to the interrogatories and document
- 21 requests propounded by Blakeman.
- 22 4. After some discussion, Mr. Otten then agreed that he would provide
- 23 substantive responses to the interrogatories within 6 days, on January 10,
- 24 2017. At no time did Mr. Otten indicate during our in-person meeting or
- 25 thereafter that he was in trial, or starting a trial, or that our agreed deadline of
- 26 January 10 for Plaintiffs to further respond in order to preclude our motion to
- 27 compel not an "actual" deadline.
- 28 5. The responses were supposed to be served and in our offices by January 10th,

1 so that Defendants would be afforded the opportunity to determine whether
 2 the responses were now code-compliant, and whether any further court
 3 intervention would be necessary. We also needed the information with
 4 enough time prior to January 13th, at which time Defendant Blakeman would
 5 need to file opposition to Plaintiffs' motion for class certification.

6 6. Mr. Otten and Plaintiffs did not provide the responses as agreed at the meet-
 7 and-confer meeting, as was a condition of our agreement. Instead, Otten and
 8 Plaintiffs belatedly served responses to interrogatories by mail on January 14,
 9 2017, received on or about January 20, and only on behalf of Plaintiffs
 10 Spencer and Coastal Rangers. No documents were produced. The responses,
 11 as will be set forth in greater detail during the hearing of this matter, are
 12 woefully insufficient, and non-compliant with the code.

13 7. Mr. Otten then filed a declaration on Saturday, January 21, 2016, at 10:27
 14 p.m., attempting to excuse his failure to comply with our agreement by citing
 15 a phantom trial which was never mentioned during our lengthy, in-person
 16 meet-and-confer. Nor did Mr. Otten ever request additional time in which to
 17 respond.

18 8. My total time for meeting-and-conferring on this matter, preparing for and
 19 attending this hearing is 5.5 hours. My standard hourly rate is \$450/hr.

20
 21 I declare under penalty of perjury that the foregoing is true and correct under
 22 the laws of the state of California.

23 Executed this 24th day of January, 2017 at Los Angeles, California.

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 25 Signed: /s/
 26 Robert S. Cooper
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